

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ASHLEY ALLEN, individually and on
behalf of all others similarly situated,

Plaintiff,

Case No. 3:21-cv-178-MMH-LLL

vs.

JACKSONVILLE UNIVERSITY,

Defendant.

_____/

ORDER

THIS CAUSE is before the Court sua sponte. On August 25, 2021, Plaintiff filed a supplemental brief in which she challenges the constitutionality of section 768.39 of the Florida Statutes. See generally Plaintiff's Supplemental Brief on Florida Statute § 768.39 (Doc. 38). Pursuant to Rule 5.1(a), Federal Rules of Civil Procedure (Rule(s)), if a party files a "pleading, written motion, or other paper drawing into question the constitutionality of a . . . state statute," and the state is not a party to the case, the party must promptly: "file a notice of constitutional question stating the question and identifying the paper that raises it" and "serve the notice and paper . . . on the state attorney general" See Rule 5.1(a)(1)-(2); see also 28 U.S.C. § 2403(b). As the State of Florida is not a party to this action, the notice requirements of

this Rule appear to apply. However, it is unclear from the docket whether Plaintiff has provided the requisite notice to the Attorney General of Florida. In light of the foregoing, it is

ORDERED:

On or before **March 25, 2022**, Plaintiff shall file a notice informing the Court whether she has complied with the notice requirements of Rule 5.1(a) and if so, the date on which notice was provided.

DONE AND ORDERED in Jacksonville, Florida this 22nd day of March, 2022.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record